

 <b>NORFOLK</b> <i>Department of Police</i>	<b>Administrative General Order - 480: Asset Forfeiture</b>		
	Office of Preparation: Strategic Management Division (wdp)		
	<b>CALEA:</b>	84.1.8	
	<b>VLEPSC:</b>	OPR.03.05	
LEGAL REVIEW DATE:	10/19/13	PRESCRIBED DATE:	10/19/15
City Attorney:	[Signature]	City Manager/Director of Public Safety:	[Signature]
APPROVED BY THE AUTHORITY OF THE CHIEF OF POLICE:		[Signature]	

### Purpose

The purpose of this order is to provide Department employees with guidelines for asset seizure and forfeiture.

### Policy (**VLEPSC OPR.03.05d**)

The Norfolk Department of Police under the direction of the Chief of Police and the Commanding Officer of the Vice and Narcotics Division, and in compliance with established state and federal guidelines, law enforcement officers of the Norfolk Department of Police may seize property according to procedures established by this order.

### Supersedes:

1. G.O. ADM-480, dated August 4, 2014
2. Any previously issued directive conflicting with this order

### Order Contents:

- I. Responsibilities
- II. Reporting Procedures
- III. Seizure Procedures
- IV. Storage

I. Responsibilities **(CALEA 84.1.8) (VLEPSC OPR.03.05e)**

A. The Commanding Officer (CO) of the Vice and Narcotics Division (V&N) or designated supervisor is responsible for the following:

1. Monitoring proceeds from forfeited assets. **(VLEPSC OPR.03.05e)**
2. Ensuring that all asset forfeiture policies and procedures employed by the Department are in compliance with established state and federal guidelines.
3. Designating a V&N staff member to be responsible for processing the required paperwork associated with asset forfeiture.  
**(VLEPSC OPR.03.05a)**

B. The Officer-in-charge (OIC) of the Property and Evidence Unit (P&E) is responsible for the management of property which is seized and stored under asset seizure laws. **(VLEPSC OPR.03.05b)**

II. Reporting Procedures

For all property subject to forfeiture, the seizing officer shall complete PD 887, Seizure of Property, no later than three days following the seizure.

A. The following documents shall be attached to the PD 887, Seizure of Property, if applicable:

1. Copy of the PD 889, Seizure of Property Inventory
2. Copy of the voucher
3. Copy of vehicle towing sheet
4. Lienholders statement
5. Suspects statement
6. Notes related to how assets were seized.

B. Turn the completed form into the V&N Administrative Secretary.

III. Seizure Procedures

A. Department of Criminal Justice Services (DCJS) Asset Forfeiture Program

1. The Norfolk Department of Police participates in the DCJS Asset Forfeiture Program which requires that the seized property have a value of \$500 or more.

2. V&N shall report assets of \$500 or more to DCJS and participate in the Asset Forfeiture Program.
3. Property valued under \$500 shall be seized but reported only to the Commonwealth Attorney's Office using the same procedures outlined in this order.

B. Seizure of Currency

1. An officer shall seize currency when probable cause exists to establish that money was involved in or derived from the following:
  - a. Sale of controlled substances or possession with the intent to sell.
  - b. Illegal drug transactions.
  - c. Illegal gambling enterprise.
  - d. Violation of forfeiture state codes which mandate seizure of currency and other property. These codes are listed in State Codes on Forfeiture and Asset Seizure, Attachment A.
2. If money is seized for the purposes of forfeiture the seizing officer shall provide the owner of the money with a copy of PD 889, Seizure of Property Inventory.
3. Mark "Hold" on items on the P&E disposition list that are intended to be seized. After final disposition by the Court is received, mark "Disposed" on the P&E disposition list.
4. The charges against the money are separate and distinct from the charges against the defendant. Conviction of the defendant does not necessarily affect the disposition of the money.
5. If money is seized as evidence and is not charged in court, it remains the property of the true owner. When the money is no longer needed as evidence it shall be released to the owner by V&N according to standard procedures and the requirements of this order.
6. If court rulings order that the money be returned to the defendant, a check shall be cut from the non-interest bearing account in which it was stored until ruled upon, and returned to the defendant.
7. If court rulings determine that the money be forfeited, a check shall be cut from the non-interest bearing account in which it was stored until ruled upon, made payable to the Treasurer of Virginia, and forwarded to DCJS for disposition according to state codes.

C. Vehicles

1. Officers who seize a vehicle shall follow the towing and vehicle requirements outlined in G.O. OPR-340: Towing.
2. The Commonwealth Attorney's Office may petition the court to seize certain motor vehicles used in the commission of state code violations.
3. An officer who has determined that a vehicle should be seized shall obtain approval from a supervisor. When approved, the officer shall:
  - a. Complete PD 924, Vehicle Tow/Impound Record.
  - b. Complete PD 887, Seizure of Property, according to Section II of this order, to be reviewed by the officer's CO. After review by the CO, all seizure related paperwork is to be forwarded to V&N.
  - c. Complete PD 889, Seizure of Property Inventory, and provide a copy of the completed form to the owner / lienholder of the seized vehicle.
  - d. Reports shall be submitted as soon as possible, but not later than the end of the officer's tour of duty.

D. All seizures involving drug cases must be reviewed by the CO of V&N.

E. Seizure of All Other Assets

1. Assets other than currency and vehicles, such as real estate, electronic and communication equipment, etc., shall be seized in accordance with applicable state codes and federal guidelines.
2. All efforts shall be made to ensure that the property is maintained in the same condition as when it was seized.
3. Reporting and seizure procedures are the same as for Seizure of Currency section of this order. Items that are seized shall be listed on PD 887, Seizure of Property, and include appropriate notations in the comments section.
4. Any property seized for the purposes of forfeiture the seizing officer shall provide the owner / lienholder with a copy of PD 889, Seizure of Property Inventory.

IV. Storage

- A. Seized property must be processed and taken to P&E as soon as possible but not later than three days.
- B. Seizure of Large Amounts of Property or Currency



1. When a large amount of property is seized, an investigator may use either an interrogation room or a room specified by the CO of V&N to temporarily store the property until it can be processed.
  2. Anytime a large amount of currency is seized, in excess of 10,000.00, a V&N lieutenant or the CO of V&N or designee shall be contacted to arrange for the securing of the currency in the V&N safe. As soon as is practical, the CO of V&N shall arrange for the currency amount to be verified and then deposited into a non-interest bearing account until the Court ruling on its disposition.
- C. All property other than currency remains in P&E until disposition.
- D. All vehicles are held at the Towing and Recovery Lot until final disposition.
- E. Auctions shall be conducted, as required, when a sufficient amount of forfeited property has accumulated. All proceeds shall be deposited into a non-interest bearing account and disposed of according to state regulations.

Definitions:

Property: Any asset that is held, wholly or in part, that is liquid or real, that may be subject to seizure or forfeiture.

Asset: Anything of value seized in connection with a drug transaction or other illegal activity subject forfeiture, which includes property that can be put to immediate use, and proceeds, such as money raised through the sale of property.

Forfeiture: Legal proceedings through which ownership of property is surrendered by those having an interest in the property.

Related Documents:

1. G.O. ADM-410: Property and Evidence
2. G.O. OPR-340: Towing

Attachments:

- A. State Codes on Forfeiture and Asset Seizure

## State Codes on Asset Seizure and Forfeiture

§4.1-336*	Contraband beverages and other articles subject to forfeiture.
§18.2-270*	Penalty for driving while intoxicated; subsequent offense; prior conviction.
§19.2-386.15	Seizure of property used in connection with or derived from terrorism.
§19.2-386.16*	Forfeiture of motor vehicles used in commission of certain crimes.
§19.2-386.17*	Forfeitures for computer crimes.
§19.2-386.18*	Forfeiture of unlawful electronic communication devices.
§19.2-386.19*	Seizure of property used in connection with money laundering.
§19.2-386.2	Seizure of named property.
§19.2-386.20	Forfeiture of cigarettes sold or attempted to be sold in an unlawful delivery sale.
§19.2-386.21	Forfeiture of counterfeit cigarettes.
§19.2-386.22*	Seizure of property used in connection with or derived from illegal drug transactions.
§19.2-386.26	Seizure and forfeiture of drug paraphernalia.
§19.2-386.27	Forfeiture of firearms carried in violation of §18.2-308.
§19.2-386.28	Forfeiture of weapons that are concealed, possessed, transported or carried in violation of law.
§19.2-386.29	Forfeiture of certain weapons used in commission of criminal offense.
§19.2-386.30*	Forfeiture of money, gambling devices, etc., seized from illegal gambling enterprise; innocent owners or lienors.
§19.2-386.31*	Seizure and forfeiture of property used in connection with the exploitation and solicitation of children.
§46.2-867*	Racing; seizure of motor vehicles.
§46.2-1087*	Forfeiture of vehicles equipped with smoke projectors, etc.
NOTE: * Indicates codes that include seizure of a vehicle in addition to other property.	